
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KEITH FETSURKA;	:	
TIMOTHY SIECK, and,	:	Case No. – 2:20-cv-05857
FIREARMS POLICY	:	
COALITION, INC.,	:	
Plaintiffs	:	ORDER TO SHOW CAUSE
	:	FOR A TEMPORARY
v.	:	RESTRAINING ORDER
	:	AND PRELIMINARY
DANIELLE OUTLAW,	:	INJUNCTION
Philadelphia Police Commissioner;	:	
CITY OF PHILADELPHIA,	:	
PENNSYLVANIA; and,	:	
COLONEL ROBERT	:	
EVANCHICK,	:	
Commissioner of Pennsylvania	:	
State Police,	:	
Defendants	:	

THIS MATTER having been brought before the Court by Plaintiffs, through their counsel, by Order to Show Cause seeking a temporary restraining order and preliminary injunction pursuant to Federal Rule of Civil Procedure 65 and upon the Plaintiffs’ supporting Memorandum of Law and declarations and exhibits attached thereto, the Plaintiffs’ Complaint, and all other supporting materials submitted herewith the Court having determined that good and sufficient reasons exist to proceed by way of Order to Show Cause, and for good cause shown.

IT IS on this _____ day of _____, 2020,

ORDERED that the Defendants appear and show cause on the _____ day of _____, 2020, before the United States District Court for the Eastern District of Pennsylvania, Hon. _____, at the _____ US Courthouse, located at _____, Pennsylvania _____, at _____ o'clock a.m./p.m., or as soon thereafter as counsel can be heard, why an Order should not be entered,

1. Ordering Defendants Outlaw and City of Philadelphia to immediately accept and process Plaintiffs' respective applications and payments for a license to carry firearms, including through an alternative means if necessary to comply with this order, conduct the necessary background check utilizing the Pennsylvania State Police's E-PICS System, and, if they are not disqualified from exercising Second Amendment rights, immediately issue Plaintiffs their license to carry firearms under 18 Pa.C.S. § 6109.

2. Ordering Philadelphia Defendants Outlaw and City of Philadelphia to immediately begin accepting and processing applications and payments for licenses to carry firearms, including through at least one additional alternative means, conduct the necessary background check utilizing the Pennsylvania State Police's E-PICS System, and, if the applicants are not disqualified from exercising Second Amendment rights, issue them a license to carry firearms under 18 Pa.C.S. § 6109.

3. Ordering Philadelphia Defendants Outlaw and City of Philadelphia to utilize both the U.S. Mail and at least one Internet-based alternative means of accepting and processing applications for licenses to carry firearms, such as but not limited to e-mail and Web forms, and any documentation required under 18 Pa.C.S. § 6109, and all required payments therefore.

4. Preliminarily enjoining and restraining Philadelphia Defendants Outlaw and City of Philadelphia, and their officers, agents, servants, employees, all persons in concert or participation with them, and all who have notice of the injunction, from enforcing their laws, policies, and practices that prevent those who are not disqualified from exercising their Second Amendment rights and wish to acquire a license under 18 Pa.C.S. § 6109 from applying for and being issued such a license.

5. Preliminarily enjoining and restraining Philadelphia Defendants Outlaw and City of Philadelphia and their officers, agents, servants, employees, all persons in concert or participation with them, and all who have notice of the injunction, from enforcing 18 Pa.C.S. §§ 6106, 6107, 6108, and 6119, and Philadelphia Code §§ 10-818(2) and 10-833(2) with respect to possession of firearms in public within 100 feet of a school, Philadelphia Police Department Directive 5.27, and their related regulations, policies, enforcement practices, and actions that individually and/or collectively prevent any Philadelphia County

resident who is not disqualified from exercising their right to keep and bear arms from carrying loaded, operable firearms, including handguns, on their person, in public and in their vehicles, for all lawful purposes including self-defense until such time they show this Court that they have and will continue to comply with all parts of this Order.

6. Ordering that Defendants shall maintain and hold all records, documents, or other forms of information, including that which is stored in electronic form in any place which the Defendants may store such information, which relate to the allegations in the Plaintiffs' Complaint, to ensure the fair conduct of this litigation.

And it is further **ORDERED** that:

1. Pending further hearing on this Order to Show Cause, Defendants Outlaw and City of Philadelphia are **ORDERED** to immediately accept and process Plaintiffs' respective applications and payments for a license to carry firearms, including through an alternative means if necessary to comply with this order, conduct the necessary background check utilizing the Pennsylvania State Police's E-PICS System, and, if they are not disqualified from exercising Second Amendment rights, immediately issue Plaintiffs their license to carry firearms under 18 Pa.C.S. § 6109.

2. Philadelphia Defendants Outlaw and City of Philadelphia are **ORDERED** to immediately begin accepting and processing applications and payments for licenses to carry firearms, including through at least one additional alternative means, conduct the necessary background check utilizing the Pennsylvania State Police's E-PICS System, and, if the applicants are not disqualified from exercising Second Amendment rights, issue them a license to carry firearms under 18 Pa.C.S. § 6109.

3. Philadelphia Defendants Outlaw and City of Philadelphia are **ORDERED** to utilize both the U.S. Mail and at least one Internet-based alternative means of accepting and processing applications for licenses to carry firearms, such as but not limited to e-mail and Web forms, and any documentation required under 18 Pa.C.S. § 6109, and all required payments therefore.

4. Philadelphia Defendants Outlaw and City of Philadelphia, and their officers, agents, servants, employees, all persons in concert or participation with them, and all who have notice of the injunction, are **ENJOINED** from enforcing their laws, policies, and practices that prevent those who are not disqualified from exercising their Second Amendment rights and wish to acquire a license under 18 Pa.C.S. § 6109 from applying for and being issued such a license.

5. Philadelphia Defendants Outlaw and City of Philadelphia and their officers, agents, servants, employees, all persons in concert or participation with

them, and all who have notice of the injunction, are **ENJOINED** from enforcing 18 Pa.C.S. §§ 6106, 6107, 6108, and 6119, and Philadelphia Code §§ 10-818(2) and 10-833(2) with respect to possession of firearms in public within 100 feet of a school, Philadelphia Police Department Directive 5.27, and their related regulations, policies, enforcement practices, and actions that individually and/or collectively prevent any Philadelphia County resident who is not disqualified from exercising their right to keep and bear arms from carrying loaded, operable firearms, including handguns, on their person, in public and in their vehicles, for all lawful purposes including self-defense.

6. Defendants are **ORDERED** to maintain and hold all records, documents, or other forms of information, including that which is stored in electronic form in any place which the Defendants may store such information, which relate to the allegations in the Plaintiffs' Complaint, to ensure the fair conduct of this litigation.

7. A copy of this Order to Show Cause, Plaintiffs' supporting Memorandum of Law and declarations and exhibits attached thereto, the Plaintiffs' Complaint, and all other supporting materials, together with a summons and waiver of service form, shall be served upon the Defendants via email within ____ days of the date hereof.

8. The Plaintiffs must file with the Court its proof of service of the pleadings on the Defendants or waivers of service no later than three (3) days before the return date.

9. Defendants shall file and serve a written response to this Order to Show Cause and proof of service by _____, 2020. You must send a courtesy copy of your opposition papers directly to Judge _____, whose address is: _____, Pennsylvania _____.

10. The Plaintiff must file and serve any written reply to the Defendants' opposition to the Order to Show Cause by _____, 2020. A courtesy copy of the reply papers must be sent directly to the chambers of Judge _____.

11. If the Defendants do not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and proposed form of Order at least three days prior to the return date.

SO ORDERED.

ENTERED this _____ day of _____, 2020.

Michael M. Baylson, U.S.D.J.